

EXHIBIT “C-7”

1067

1 THE COURT: Okay. All set?

2 MR. FITZPATRICK: All set.

3 THE COURT: David, would you -- Michael,
4 we're all set, please, Captain.

5 (Whereupon, the jurors then entered
6 the courtroom.)

7 THE COURT: All right. We're back
8 in session. The record should reflect the
9 jury is present, counsel, the defendant.

10 At this time, ladies and gentlemen,
11 Mr. Fitzpatrick will deliver his summation.

12 Sir.

13 SUMMATION BY MR. FITZPATRICK

14 MR. FITZPATRICK: Thank you, Judge.

15 Good morning everybody.

16 THE JURORS: Good morning (in unison).

17 MR. FITZPATRICK: Thank you very much
18 for having served on this jury. No case
19 in a criminal trial can ever be brought
20 to conclusion without people like yourselves
21 that are willing to sacrifice their time
22 and energies and decide what happened in a
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2 criminal case. I appreciate that very
3 definitely, and I know your fellow citizens
4 in Onondaga County appreciate it as well.
5 And if there is nothing else that is true
6 in this trial, it is true that there is
7 justice in Onondaga County.

8 Ten days ago all of us, I think, were
9 a little bit different than we are right
10 now. I don't think anybody in this room
11 and certainly nobody on this jury had any
12 idea how inhuman one person could be to
13 another person, and how warped that person's
14 definition of love could be. I don't think
15 we knew the depth to which one person's
16 obsession, not love but obsession with another
17 human being could take him.

18 Those things I think have changed
19 all of us, but other things don't change.
20 They remain the same, because I'm willing
21 to bet that during the course of this trial,
22 and certainly after this trial, we are all
23 going to hug our kids a little bit harder,
24 we're all going to kiss our wives or husbands
25 a little bit longer, and we are all going to

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2 tell our moms and dads that we love them
3 just a little bit more.

4 And I will bet that days, weeks, months
5 from now all of you, like you have had all
6 of your lives, will have dreams about things
7 that you are going to do, and places you
8 are going to see, and people you are going
9 to meet, and exciting things, wonderous
10 things that are going to happen to you that
11 Valerie Hill no longer has.

12 But most importantly, just like ten
13 days ago, just like today, you all have
14 the same good common sense and intelligence
15 that caused the People of this State to
16 ask you to sit on this jury. And we know
17 something now that we didn't know ten days
18 ago. And what we know now beyond any reasonable
19 doubt is that Hector Rivas stalked this
20 woman two and a half months, and finally
21 strangled her and killed her in a jealous
22 rage on March the 27th of 1987.

23 Let me just say a few words about
24 Mr. Calle's summation, and then move on to
25 what I think the evidence has proven

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2 overwhelmingly.

3 I take an offense to the suggestion
4 that this is a mission of hate. It always
5 kills me that when a defendant's friend
6 testifies against him in a criminal trial,
7 he's suddenly no longer a friend; he's now
8 on a mission of hate.

9 Joe Fields is on a mission of hate.
10 "Val, Val, I didn't mean to do it." And
11 he hates this man, the same man that he
12 hugged, which he felt sorry because he felt
13 he didn't do it, and now he's on a mission
14 of hate.

15 And all the other people, the Broshs,
16 friends of his, Peggy Burke, Liz Lewis,
17 acquaintances and friends of his, now they're
18 on a mission of hate.

19 When he asked you numerous times what's
20 wrong with this picture, as if this was
21 a cartoon, you take these photographs with
22 you into this jury room and you look at
23 the body of the 28-year-old woman who had
24 everything in this world to live for, taken
25 away by him because he is obsessive, and you

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2 look at that picture and you say what's
3 wrong with this picture. Because it didn't
4 have to happen. All he had to do was get
5 it through his head that the answer was
6 no.

7 The people in the audience tell
8 Mr. Calle that they don't think he shows
9 any emotion. And he explains that to you.
10 And then five minutes later he tells you
11 that he's not guilty because Saturday night
12 he didn't show any emotion. Which is it,
13 emotional or isn't he?

14 It's not what Bev Dorland said about
15 when he walked in the bar after having committed
16 his deed on 248 Hickok.

17 I don't know who Patsy Cicciarella
18 is, but he's going to be very upset when
19 he reads the paper in the morning he admitted
20 killing. Barricella, Patsy Barricella. God
21 help him. This is a poor mentally retarded
22 kid who lives two doors down from
23 a con artist. He had been stopped
24 by the police. Suddenly becomes the prime
25 suspect in the defense's mind.

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2 And it wasn't four times. The officer's
3 testimony was that he drove by two or three
4 times. And if you go away from someplace
5 and go back to someplace, that's two times.
6 The poor kid doesn't even have a license.

7 But Patsy Cicciarella, or Barricella,
8 or whatever his name was, was waiting in
9 the driveway and put a knife to Valerie Hill's
10 throat, or might have been waiting in the
11 vestibule and put a knife to her throat
12 as she came.

13 I guess her father failed to mention --
14 and, by the way, Randy, you came out okay.
15 You came out partially credible, I guess,
16 and partially incredible. That's better
17 than most of the people did.

18 But I guess the partially incredible
19 part was where he forgot to tell us that
20 his daughter was dressed in a bathrobe when
21 she sat down in Candy's Restaurant to have dinner
22 before this knife was put to her throat.

23 And don't get smoke-screened by these
24 barriers in the area. You've got to take
25 the whole answer. "Yeah, two years ago some

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2 kids broke into our house." Two years before
3 this girl was murdered. A lot of other
4 things, and that is why he emphasized
5 what we say is not evidence. It is the
6 people, what the people have to say that's
7 evidence.

8 Crimi and Stonecipher absolutely said
9 that Rivas's car was parked on the other
10 side of the street. She even described
11 the headlights exactly the same way. It
12 is not my fault that Mr. Calle didn't use
13 a photograph.

14 He wants to know why there's no
15 sexual assault charge against his client.
16 Because the thing happened six years ago.
17 Statute of limitations is five years. That's
18 with all sexual assault charges. The other
19 reason is he violated this woman after she
20 was dead.

21 You want to take 20, 30 minutes to
22 explain to the jury that the cops screwed
23 up, they didn't take a picture of the shrine.
24 There it is. I'll do it in 20 seconds.
25 They screwed up. They should have taken a

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2 picture of that shrine. They didn't. You
3 think they made it up? You think they put
4 it in the reports and put in there about --
5 made up the story about the Madonna, a picture
6 of the victim, the candles, coins in a bowl?

7 I thought it was Oscar awards earlier.
8 We got a -- everyone got rated by the defense,
9 credible, incredible. "Anybody that hurts
10 me is incredible."

11 Joe Fields, Joe Fields is incredible.
12 He's never cross-examined about a thing. He
13 cross-examines his former girlfriend,
14 Kelly Williams. If that wasn't absurd,
15 I don't know what was. All these little
16 balloons that they float out there. Kelly isn't
17 credible.

18 Joe Fields has a gambling problem. What --
19 well, sitting down there now, the jury, you're
20 supposed to think that Joe Fields has a big
21 gambling problem. What that has to do with
22 this trial I don't have any idea.

23 And remember when he started the trial,
24 it was police conspiracy. The cops conspired,
25 they worked backwards to get at Hector.

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Only two cops got bad ratings: Stassi and Phinney. Everybody else got superlative ratings. They were all credible, including maybe the most important witness, and I don't want to characterize him as such, but maybe the most important witness in this case, John Brennan. Why? Because he told us what the defendant had to say. And he was rated as credible.

So I think I'll take out the two pages where I was going to argue why you should believe Brennan. There is no reason not to believe him. They -- he wants you to believe him, too.

The issue about the cat, remember that? What Mrs. Stonecipher is saying about the cat being outside, that is unusual. What is different from her daughter is the fact that the cat was unattended, not the fact that the cat was outside. The fact that the cat was outside unattended, without Valerie Hill there.

He made a rather incredible statement that Mr. Brosh didn't think that Hector Rivas

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1 killed Valerie Hill. I don't recall that.
2 You can have his testimony read back if
3 you want. I know what he did say. He said
4 that Hector Rivas was a gentleman around
5 women, and we had a little different opinion
6 about that when he left the stand.
7

8 And this thing about Dr. Mitchell.
9 Why go back to analyze the brain? Maybe he
10 can't see the forest through the trees,
11 but why go back to look at notes and slides
12 and records? To prepare for trial. There
13 are different phases of the criminal process.
14 There's arrest. There's grand jury. There's
15 trial. Not every case arrested goes to
16 grand jury. Not every case in the grand jury
17 goes to trial. Dr. Mitchell does several
18 hundred autopsies a year; many of them are
19 of people who died as a result of violence.
20 He prepared himself for this trial. I don't
21 think he should be penalized for that.

22 When you go into the jury room --
23 enough of the defense's summation. When
24 you go into the jury room, one of the things
25 they don't do, aside from not providing coffee

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2 for you, is they don't give you a list and
3 say, "This is what you should do."

4 Mrs. Madonna will be your foreperson.
5 She will be the person that speaks for you
6 when you come back into court and have a
7 question or want a readback, or whatever.
8 But as a suggestion, only as a suggestion,
9 let me suggest to you an analysis that you
10 can explore.

11 First of all, go in there and get
12 comfortable, be civil with one another, listen
13 to what each other has to say. And you can
14 retrieve any or all of these exhibits. Look
15 at them yourself. And I would ask you again
16 perhaps to say to yourself, "Look, we know
17 that the People have the burden of proof.
18 We knew that probably before we ever came into
19 court, but we certainly know it now because
20 Judge Mulroy has told us that. We know that
21 Mr. Fitzpatrick, representing the People,
22 has the burden of proof."

23 With that in mind, what is the defense
24 that Mr. Rivas has raised? Is it this, that,
25 or whatever. And I'll talk about that

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2 in a second. And keep in mind that he has
3 retained his own attorney, Mr. Calle, who
4 has very, I think, aggressively fought for
5 his client's cause. But maybe we should
6 say what is the cause, because I suggest
7 to you that the defense is not one of reasonable
8 doubt, but the defense is one of unreasonable
9 doubt. There can't be a doubt which is
10 unreasonable.

11 It is the defense of alibi. You will
12 hear the Judge charge you that the defense
13 has raised the defense of alibi, and he will
14 tell you what the law is in that regard.

15 The defense chose to present Sue Volz,
16 the young lady who testified just yesterday.
17 And saying, "I could not have killed
18 Valerie Hill because I was at Albert's tavern
19 at 7:00 on Friday, March 27th," this is
20 absurd. This is ridiculous. The defendant
21 himself has asserted through credible
22 Officer Brennan that he was at Coleman's
23 from 6:30 to 11:00. And this is amply
24 corroborated, at least the 6:30 part of it,
25 by his own friends, Mark and Lori Brosh.

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2 Is there any question he was at Coleman's
3 at 6:30? I just don't understand it. I
4 would suggest that Ms. Volz has made an
5 honest mistake. And is not unlike the honest
6 mistake that Susan Stonecipher made when
7 she said that she saw Valerie Hill alive
8 on Saturday, and then in a little more calm
9 moment, not with having a medical examiner
10 downstairs removing the body of her neighbor,
11 she said, "No, I was mistaken, it was on
12 Friday morning."

13 And remember this: Sue -- I don't want
14 to harp on this too much, because Mr. Calle
15 didn't even mention her, but it is a defense
16 that's been raised and I don't want to leave
17 anything untouched. When her attention,
18 Sue Volz's attention was drawn to Friday,
19 the 27th, some 12 or 13 days later, she said,
20 "Oh, yes, I saw Hector Rivas, but, no, he
21 wasn't wearing those clothes," the clothes
22 that we know for a fact he was wearing that
23 night.

24 We now come to the second defense
25 or second prong of the same defense. "I'm not

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sure that Patsy Barricella is the killer."

Now, you have to, you have to appreciate this. Not only is Patsy Barricella -- and I'm really offended by people like Joe Morgan, who doesn't pick an identifiable person who can be brought in and interrogated and put under oath. No, he picks the weakest person maybe he knows, the two houses away neighbor, a young man who, unfortunately, is mentally retarded, but still I am sure is able to function in society, and he lays it on him.

Why? Because he knows that the poor kid got excited because he got stopped by the police because he drove by the homicide scene.

But Patsy Barricella has got to be the luckiest killer in the history of crime, because on his random psycho journey through the streets of Eastwood to find a victim to kill, he not only finds a victim who's home, who let's him in, who sits down, let's him smoke some Barclay cigarettes, let's him have some Bacardi rum, he finds a victim

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2 who just happens to have been stalked for
3 two and a half months by somebody else;
4 the same person that admitted to Joe Fields
5 that he did it. You talk about luck, it
6 defies description.

7 They float out this theory to suggest
8 that this is a reasonable doubt. I say
9 to you it is not only an unreasonable doubt,
10 it's not a doubt at all. If this raises
11 a doubt in your mind about the guilt of
12 this defendant, don't even suggest that
13 anybody can be convicted of a crime
14 anywhere in the world, because all you need
15 is a Joe Morgan, who spent time in a
16 psychiatric hospital himself, an alcoholic
17 con artist, to say, hey, pick a name, I'll
18 pick a name, you know, then throw the smoke
19 screen out in front of the jury and let
20 the D.A. spend two weeks trying to defend
21 and six weeks trying to prove that the guy
22 I mentioned, who may not even exist, didn't
23 do it.

24 Joe Morgan, what a joke. And I don't
25 want to spend any more time on that because,

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2 frankly, I already told you I thought you
3 were intelligent and I'm not going to spend
4 a lot of time on what should be obvious
5 anyway.

6 Then we have got the Saturday morning
7 and the third defense, if we count them
8 up, the Saturday night surprise. Let's
9 be 100, 100 percent clear as to what
10 Dr. Mitchell said. He said, "It is possible,"
11 repeat, possible, "that the victim was killed
12 on either Friday night or Saturday night,
13 based solely upon my initial external examination
14 of the body of Valerie Hill." I don't think
15 it could be any clearer that that is
16 what he said. And as he told the grand
17 jury, rigor mortis, the stiffening of the
18 body after death, normally begins to pass off
19 within 24 to 48 hours.

20 If we were looking at a calendar,
21 this would put the normal time of death or the
22 normal median time of death sometime Saturday
23 afternoon. Could it have been 16, 17, 18 hours
24 earlier? Absolutely. Absolutely.

25 Heating conditions refer, first of all,

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2 to 75 degrees. It wasn't the temperature
3 of the house. The temperature of the house
4 was 62 degrees. Valerie Hill kept the heat
5 down, as we now know. That's why she had
6 plastic on the front door. Basement
7 underneath her, cold floor. And the nights,
8 as you might expect, in March of 1987 were
9 cold as well.

10 He had a chance to review autopsy
11 sectional slides of the brain. He considered
12 the temperature factors. And most importantly,
13 when he tells you what an autopsy is, it
14 is not just medical stuff on a slab in the
15 morgue. It is a constellation of all the
16 other circumstantial factors that lead him
17 into an opinion as to what is most likely
18 the time of death. Friday night.

19 Please, please, if someone in the
20 jury room says, geez, I have a reasonable
21 doubt, Dr. Mitchell says she could have
22 died Saturday, don't look for a conviction,
23 in any case, where the body isn't found
24 within 24 hours, because you're playing
25 right into this defendant's scheme. Because

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2 Dr. Mitchell is going to say the same thing
3 in any case he ever testifies to, because --
4 well, because I think that's what he'll
5 do. Namely, that "I am not Jack Klugman.
6 I cannot tell you she died at 6:30 on Tuesday,
7 the 4th of July." That's not the way it
8 works in the real world.

9 He wants you to think, Hector Rivas
10 wants you to think that she died Saturday
11 night because even though he hasn't really
12 presented an alibi for that night either,
13 he has presented some witnesses that have
14 been with him. And he's just, he's just
15 Mr. Social Butterfly on Saturday night.
16 He rushes up to Liz Lewis, gives her a big
17 hug. Ed Marion remembers him dancing up
18 a storm.

19 And the library book. You know, when
20 I took this case six months ago and began
21 to look into it, I said, you know, the library
22 book, it's going to be important. I'm going
23 to look for a jury that knows not to be
24 fooled by a defendant. The cunning of it
25 all, the library book. And the beautiful irony

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of it is I think it will help you convict.

How do we know for sure that Valerie Hill didn't return it? Defense attorney suggests that she did. See, what Hector didn't know, and what he couldn't have known, was that at Nye Ford they took the odometer reading. And we know, don't we, for a fact that she left Nye Ford; that she drove down Route 5; she went into the Village of Fayetteville; she picked up her airline ticket; she went home to the eastside of the City of Syracuse; she went to Candy's Restaurant; she drove back and parked her car.

What was the odometer reading at Nye Ford and what was the odometer reading in her driveway? That indicated a travel of approximately 32 and a half miles. And when Investigator Stassi retraced those routes to testify to you, it was 33 miles. So we know that she didn't drive to Cazenovia to return that book. Nice try.

Is it likely that she threw her cat out on Saturday morning? Is it likely that this

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1 woman, who every single person that knows her,
2 whether they loved her or just knew her,
3 says was a thoroughly decent, caring,
4 conscientious human being, pediatric nurse,
5 one of most demanding nursing jobs you can
6 have, caring for sick young children, is
7 it likely or even remotely possible that
8 she just said the hell with Laura and Doug Adams,
9 I ain't calling her, and then she hides
10 in her apartment all day, even though she's
11 looking forward to the trip to get away
12 from Hector, and to not answer the phone,
13 knowing that her stepmother is dying at
14 St. Joseph's Hospital, to not be seen by
15 anyone? It is inconceivable. She died
16 Friday night and we know it. The defense
17 is attempting to assert that she didn't.

18 Reminds me of a story. And I don't
19 mean to get sarcastic, and I apologize for
20 that if it's offensive. It is just my nature.
21 But, you know, let me just tell you. There
22 is an old case. This private investigator,
23 he's testifying. And he's hired by a husband
24 who wants to know if his wife is cheating on him.
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2 And he says, "Yeah, I saw her. You know,
3 I followed her. She left the house and
4 she was supposed to go bowling, but she
5 did not go bowling. She went to a hotel
6 room and she met a guy, pretty good looking
7 guy, in the lobby of the hotel. Had a
8 couple drinks and sat and talked for a while.
9 And they were kissing and hugging and everything.
10 Then they got in an elevator, they got off
11 on the sixth floor and went to a room. I
12 rushed into the parking lot and I looked
13 on the sixth floor and I saw her through
14 the drapes. And she was now dressed, you
15 know, rather comfortably, bottle of
16 champagne chilling, and they were embracing
17 and kissing."

18 And the husband says, "Well,
19 was she sleeping with him or not?"
20 He says, "Well, I don't know. At that moment
21 they pulled the drapes."

22 I say, damn, another reasonable doubt.
23 And that's what this defense is all about,
24 an unreasonable doubt.

25 There's no reasonable doubt that

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2 Hector Rivas killed Valerie Hill on Friday
3 night. Perhaps he should have stuck with
4 the defense that he himself offered six
5 years ago, before he hired Mr. Calle. "Val,
6 Val, I didn't mean to do it."

7 The Judge will talk to you about the
8 defense theories, prosecution theories.
9 Theories are not to be based on surmise
10 and speculation.

11 I want to talk to you about what the
12 People have proved to you beyond any shadow
13 of a doubt. And I want you to keep in mind
14 some basic concepts which I think are important.

15 Number one, we are never going to
16 know exactly what happened the night of
17 March 27th. That's a fact. We are never
18 going to know minute by minute, step by
19 step what this defendant did and what
20 Valerie Hill did. We have a remarkable,
21 I must say, array of witnesses that are
22 able to piece this together for us fairly
23 closely. But what happened when Valerie
24 let him into that apartment, I can point
25 to you what the physical evidence indicates,

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1 but I can't tell you for certain. I certainly
2 can't tell you what the dialogue was. I
3 can't tell you who sat where.
4

5 And, you know, witnesses remember
6 a garage door open, garage door closed;
7 lights on, lights off. I told you, this
8 thing happened six years ago. And when
9 you think about it, you say is that unusual?

10 Well, think about this: Remember I gave
11 you the example of the Kennedy assassination
12 on voir dire. The President of the United States
13 was assassinated 30 years ago, and it was
14 on videotape. We actually had a film of
15 it. You know how many books have been written
16 about what happened that day? Over 700
17 and counting.

18 So when you talk about the criminal
19 trial involving Valerie Hill, don't have
20 someone walk into the jury room and say,
21 "So, gee, I don't know exactly what happened.
22 I just can't vote to convict." Say, "Hey,
23 time out here."

24 Another thing, and this is important,
25 Hector Rivas didn't wake up Friday morning and

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1 say, "I'm going to kill Valerie Hill today."

2 And I don't even think he went to her apartment
3 that night intending to kill her. In fact,
4 I seriously doubt that he did. I think he
5 went there for the same reason he had been
6 stalking her for the last two and a half
7 months. "Please, Val, take me back. Please,
8 Val."

9
10 We'll talk about a few notes that
11 Mr. Calle wants to suggest to you aren't
12 that important in a minute.

13 Third concept, this doesn't take a
14 rocket scientist to figure this out. Killers
15 are stupid. They don't always act smart.
16 Sometimes in addition to killing people,
17 they do other stupid things as well, like
18 get drunk and admit that you killed a girl
19 to a friend at a bar.

20 Because the fourth thing I want you to
21 remember, remember I asked you about alcohol.
22 You probably were thinking, you know, maybe the
23 District Attorney's going to prove this guy was
24 drunk when he killed Valerie Hill.
25 I don't know if he was or he wasn't.

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2 If he says that he was, fine. He certainly
3 had had something to drink that night. But
4 I'm talking about alcohol lowering your
5 defense mechanism, saying things -- you've
6 all heard someone say something under the
7 influence of alcohol that they'd kind of
8 like to grab back.

9 It's almost like being a kid. You
10 know, your sister comes to the door or something
11 and your three-year-old kid, you know, yells
12 out, "Hey, Dad, fat Aunt Mary's here."

13 Well, unfortunately, Aunt Mary is fat,
14 and the kid is honest. That is the way
15 people under the influence can be. "Val,
16 Val, I didn't mean to do it. Liz, I
17 loved her so much. She meant so much to
18 me." And then they want to tell you that's
19 because he realizes the relationship is
20 over.

21 He leaves, he leaves 53 notes in
22 54 days and doesn't realize until Saturday
23 night the relationship is over.

24 Let's look at the People's case. And
25 I want to talk about it not -- I'll talk about

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2 it individually, but keep this in mind:
3 You know, you can take one piece from a
4 building and say, "What is this? This is
5 nothing. It's nothing." You put all the
6 pieces of the building together and all
7 of a sudden you have a pyramid.

8 So I'm going to talk about it piece
9 by piece. And I want to talk first about
10 what this case is all about, obsession.
11 It isn't about love. It's about obsession.

12 Let me read some of these notes to
13 you. They're in evidence. You can take
14 them all in and look at them.

15 This is Exhibit 39. You haven't had
16 a chance to see any of these yet. Thank God
17 she was a saver of these. Maybe she knew
18 what was coming.

19 Valentine's Day, Christmas. There
20 is one Christmas card here.

21 "For my dear Valerie. Dear Valerie,
22 Merry Christmas. For the special person
23 in my life."

24 Look at them all. Look at them all.
25 It's ridiculous.

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2 "Dear Val, I hope that you can start
3 giving with the love that you like to get
4 back. I truly wish the best. No more joking.
5 Thank you for what you let me give you. I was
6 just starting."

7 "I'm sorry so much for the times that I've
8 given you." This is a new note. "I never knew
9 that I was just passing time. Bless you in your
10 moments with whoever. Happy Valentine's Day,
11 Hector." As if she had the audacity to see
12 someone else.

13 "You mean so much to me. I'll work
14 with you and stand beside you until the end,
15 so then we can have the world with the
16 sunshine and everything in it."

17 The guy ought to work for Hallmark
18 if he gets another job.

19 "I know you have been thinking things
20 out. Tell me if you need my help. I know
21 what you need in this life and I could do
22 it all with you. I'm not like anyone you've
23 ever had before." That was the understatement
24 of the year. "It's a special love that can
25 grow."

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2 "Hi Babe, I'm just sitting here feeling
3 hurt over all this mess that I've cause in
4 us."

5 "Hi Val, I stopped by to talk to you,
6 but I guess I'm late again. I really understand
7 this joke now. I guess you're having fun
8 now. Enjoy yourself. Thank you for a good
9 laugh."

10 "Val, I'm very sorry, very sorry. Try
11 to understand my pain."

12 "Dear Val, I want to say thank you
13 for your company tonight. I so much want to
14 be held in your arms. Thinking of the warm
15 evenings with you beside me."

16 "I need you."

17 "Dearest Val, Thank you for letting
18 me use the phone. I miss you today and every
19 day. I give to you my heart with the sunshine.
20 Love, Hector."

21 "Valerie, I'm sorry, very sorry for
22 my own pain. Sorry I didn't get here sooner.
23 I shouldn't surprise you like this any more.
24 Have fun now."

25 "A flower for Val."

1095

1
2 "Hi Baby, I want to tell you how
3 much I love you today. I hope you have
4 a nice time. I miss you. I hope we can
5 see each other soon."

6 "Val, please give us a chance. Remember
7 us and love us."

8 You get the picture. What is this?
9 You know, you listen to Mr. Calle, you get
10 the impression the guy left a couple of
11 notes. "I got a flat tire. I've got to
12 go to the garage" or something. "I had
13 a flat tire" or something.

14 Take a look at the videotape. You
15 see it as recently as that day or a couple
16 days before she died. He sends her roses.
17 Look at the notes on the table.

18 Exhibit 46, you remember these. These
19 are sitting on the kitchen table. Burns Brothers
20 stationery. I don't know. You can make
21 your own judgment. Appear to be written
22 with the same pen.

23 "Hi Baby, I'm just wanting to share
24 things with you. I need to talk. It's
25 a hard thing to say sometimes, but I really

1096

1
2 need you. Please, Babe, it's from inside."

3 "Hi Babe, Well, another crazy day has
4 gone by. I'm hoping that you're feeling better,
5 along with your" -- "along with everything else
6 that's going on in your life. Hope to be
7 with you or sit and talk with you. So very
8 much to say. I hope your night went well at
9 work. I miss you, Val. Love you, Hector."

10 "Dear Val, I'm hoping that your day
11 is going well for you. And I sure hope your
12 cold is better." Take a look at the picture.
13 You see a little bottle of cold medicine
14 by the sink. "I guess when someone loves like
15 we do, they should be at peace. I never knew
16 that my trying to please you for the feelings
17 your heart was giving would cause all of this.
18 I'm doing the best I can, and I know you
19 are, too. Thank you, Babe. Take care.
20 Love, H.R."

21 And these are some, some other exhibits:

22 "Don't ever go away, Hector."

23 Get that piece of paper.

24 "Please call me today, H.R."

25 Flower card, probably with his roses:

1097

"Life is sure nice with you in it.
Don't ever leave."

There, don't ever go to the Bahamas
without me. I'll -- let me suggest -- that was
not on the note. I'm paraphrasing what
I think the proof has said. This is obsession.
This is not love.

Now, we get to convict him because
he's obsessed with her, because he left
her a lot of notes? No. But don't take
that out of the mosaic.

The word that Mr. Calle was right
in knowing I would use, "stalking" her,
stalking this poor girl.

Liz Lewis says letters/notes virtually
every day. He tells John Brennan and he
tells Liz Lewis, "Yeah, I was following
her. She wouldn't talk to me."

Peggy Burke sees him show up unannounced
with flowers on the 18th or 19th of February.
They went to the kitchen and she can hear
him pleading with her, "Please, Val."

Coco's, March 4th. Here is something
as simple as wanting to go out with your friends

1098

1
2 for a drink after work and you have -- and,
3 again, it's demonic. And she does the only
4 reaction she could, because of the decent
5 person she was. She rolls her eyes and
6 says, "Oh, God." She doesn't want to go
7 over, and finally she goes over, she talks
8 with him. "I want to buy everybody some
9 drinks."

10 March 17th. You'd think she'd get a
11 moment's peace on her father's birthday,
12 with his wife dying. Pulls into the driveway.
13 Guess who pops out of the driveway, rushes
14 up to the car? Probably thinks she had
15 dinner with another guy.

16 Don't convict him for obsession and
17 stalking. Don't convict him just for stalking
18 her.

19 What about his alibi? I'll call it
20 a false alibi, because that's just what
21 it is. Now, I agree it's difficult for
22 someone to say where they were six years
23 ago, but it's not that difficult to recall
24 where you were three days ago. And I want
25 you to remember what the defendant said to

1099

John Brennan.

And I've offered these here facts to you as a chart, an alibi chart. You can use it. You can't take this with you into the jury room because it's something I'm using for demonstrative purposes.

You want to sit down when you deliberate, Mrs. Madonna, if you want to have everybody do it, that is up to you. You may not need to if you recall this.

This is what Brennan says the defendant says: "Right around 2:00 I'm at 248 Hickok Avenue. I don't stay. I just make a judgment that Valerie's not home. I leave. I do some errands. I go home."

And he gets home, Cazenovia, sometime in that area. What does he do? Leaves Cazenovia at 5:00 and goes to, where else, 248 Hickok. Get's there about 5:30, 6:00. Not home. Left a note under her kitchen door. I don't know which one of the 53 notes that was, but I assume it was one of them.

Goes to Coleman's. Stays at Coleman's to 11 p.m., you know, drinks. No dispute. That's what

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1100

he said to Brennan.

Brennan, remember he is credible by the defense's standards.

Stays at Coleman's to 11:00. "I leave and I go to Albert's." And he arrives in Albert's. I don't know if Brennan tells us when he gets to Albert's, but we know from Officer Stassi it's about a 40-minute drive from Coleman's. So figure he got there shortly before midnight.

There's a big hole in that story. It is huge. I'll talk to you about it right now.

Karen and Donald Stonecipher, no ax to grind with anybody. The defendant, Karen says she sees him sometime around here, 248 Hickok. Donald says he sees him 3:30, 248 Hickok. Looks out of his window about 20 minutes later, sees him at 248 Hickok.

Chris Reynolds delivered the paper. There's no -- there is not a single contradiction between Christopher Reynolds and Peter Cooney, by the way. Reynolds says around 4:30 sees him at 248 Hickok.

1101

1
2 Let me tell you what Cooney adds
3 to this. Take this. This you can take
4 with you into the jury room. Please do.
5 Cooney says that he passes the defendant
6 at about 2:00. Cooney heading west into
7 the city; the defendant heading east, in
8 the neighborhood of DeJulio's Army & Navy Store,
9 less than what, half a mile at most from
10 the victim's house.

11 I submit to you, by his own admission,
12 he is on his way to the victim's house.
13 Cooney sees him at DeJulio's. DeJulio's.

14 And what do we, what do we get from
15 this? Do you, do you think that he was
16 here and then he left, and then he came back
17 and then he left, and he came back and
18 then he left and he came back? Nonsense.

19 I submit to you that a reasonable
20 person can conclude that from 2:00 to
21 almost 4:30 or 5:00 he is doing what
22 he does best, stalking Valerie Hill, just
23 sitting there.

24 He wants me to prove that he's a sexual
25

1102

1
2 psychopathic deviant. I wish that the rules
3 of evidence would allow anything remotely
4 close to that to come into a criminal trial.
5 They don't. So -- but if that doesn't prove
6 something significant, I don't know what
7 does. 2:00 to 4:30 sitting there, waiting
8 and waiting and waiting. And then what
9 does he do? He's upset about something.

10 Reynolds remembers that, remembers that
11 look in his face. So he leaves there. Cooney
12 at 5:30 sees him in Manlius. Only now he
13 is not driving his van. He's driving his
14 "One Rivas," whatever the car was, two-door,
15 silver-colored car or gray-looking colored
16 car. Where? Heading back into the city.

17 Do we know where he's going? Why,
18 yes, we know where he's going. Why do we
19 know where he is going? Because he told
20 us where he was going. He stopped on his
21 way to Coleman's to see if Val was home.

22 So here he is back at 248, by his
23 own admission. Wait a minute. Wait a minute.
24 Something is wrong here. He says Val wasn't
25 home. We know she was home. We know that at

1103

1
2 5:30 or 5:45 Valerie Hill was at 248 Hickok.
3 She's on the phone talking to Liz Lewis.
4 And Laura Adams, calling from Schnectady,
5 is getting a busy signal sometime that
6 evening. And we know that at 6:30 she's
7 supposed to meet her dad at Candy's, but
8 she doesn't get there till almost 7.

9 Why? Why is she a half hour late?
10 Why is the defendant not being candid with
11 us about her being home?

12 She is up at Candy's half an hour
13 late. The defendant we know was, was at
14 her house and we know she was home.

15 What do Mark and Lori Brosh say? They
16 say -- and I don't think you could find
17 two nicer people. They -- I don't know,
18 I forgot how they rated on Mr. Calle's
19 scale.

20 But they say that from 6:30, thereabouts,
21 to no later than 9:30 the defendant is at
22 Coleman's. This is not rocket science.
23 They remember they were home before 10.
24 They remember it takes about 15 minutes
25 to get home. They remembered the defendant

1104

1 left about a half hour before they did.

2
3 Where is the reasonable doubt about
4 the accuracy of that report? They say the
5 defendant is at Coleman's. Do we see a rather
6 large gap developing here?

7 John Cassano, folks. Again, I forgot
8 where he came on the scale. But everybody
9 should be so lucky, if they were ever involved
10 in a serious incident where a loved one
11 was hurt, to have a fine and observant
12 young man as John Cassano near the scene
13 of the crime, because there isn't any shred
14 of doubt in his mind that at 9:40 p.m. the
15 defendant is in Liquor Square buying a bottle
16 of Bacardi rum and some other liquor. And
17 he confirms it by looking at a computer-generated
18 register tape.

19 That man was in Liquor Square. And
20 he must have forgotten to tell John Brennan
21 about that, because John Brennan, who talked
22 to him from 3 to 5:30, made no mention of
23 the defendant being at Liquor Square.

24 Jim Crimi and Susan Stonecipher, they say
25 11:00 to 1:00. Where else? 248 Hickok Avenue.

1105

1
2 Take a look at this map. Concentrate
3 for a second. You're not in the jury box,
4 you're home in your -- where you feel
5 comfortable, either in the family room,
6 kitchen, living room, whatever. Let me
7 tell you a story. Remember now, you are
8 not the jury. You're just listening to
9 me and I am a salesman. I'm trying to convince
10 you of something.

11 Here is what I convince you of: I
12 want to convince you that a person had a
13 relationship with a woman and they broke
14 up about 60 days before she died. And during
15 that 60-day period this person called her,
16 saw her, phoned her, left her notes, sent
17 her flowers, popped up on the job, popped
18 up in her driveway, popped up at her workplace,
19 popped up in the restaurants where she went
20 out, every single day, every single day.
21 And on Friday, March the 27th, that person,
22 coming from the east -- or, excuse me, coming --
23 heading east, stopped by at her house and left.
24 Then he went home this way (indicating)
25 to Cazenovia. And then he came back this

1106

1 way (indicating), stopped by her house again.
2
3 And then he went to Coleman's restaurant,
4 and he stayed there and he had something
5 to drink. And then he drove home, all the
6 way home, and never stopped at her house.

7 On a scale of one to ten, the
8 believability of that is zero. Zero.
9 "Thank you, Mr. Fitzpatrick. I don't think
10 I'm going to be purchasing anything today.
11 And I don't think I'm going to purchase
12 that."

13 He stopped at the house, he stopped
14 at the house every solitary chance he got.
15 I don't even -- I have sat through eight
16 days of trial. I don't even know what the
17 guy did for a living. I had heard some
18 reference about plumbing. When the hell has
19 the guy got time to be a plumber?
20 What do plumbers do? Did he plumb?

21 And then the final piece to this mosaic,
22 Bev Dorland. Credible. So I don't have --
23 you know, I don't have to get into a lot
24 of argument why I believe her. 12:30 a.m.
25 the defendant walks into Albert's and

1107

1
2 Bev Dorland says to herself, "My, God, Hector,
3 what did you do?" Seems he's not so nice.
4 Everyone says he's always the same or so
5 seldom Hector didn't look different. But
6 then we get a witness who says he didn't
7 look like himself. "I wanted to say to him
8 what happened, what did you do?"

9 Don't convict, though, because his
10 alibi is completely false. Don't convict
11 him because he's obsessed with her. Don't
12 convict because he was stalking her. Don't
13 convict him because his alibi is a total
14 fabrication.

15 (Whereupon, there was then a brief
16 pause in the proceedings.)

17 THE COURT: Thanks, Patti.

18 MR. FITZPATRICK: The defendant's
19 reaction to cops, John Brennan. John Brennan
20 says around 2:30 he's assigned to drive
21 to Hector Rivas's house. Unbeknownst to
22 Brennan, Rivas has, coincidentally, stayed
23 home during the day because, as he told
24 Peggy Burke, he's got a sore throat.

25 Brennan says to him, very simply --

1108

1
2 and Brennan is credible, right -- Brennan
3 says to him, "Would you be willing to
4 come with me and talk to me about Valerie Hill?"
5 And I'm not -- Mr. Calle suggested I'm
6 trying to use the defendant's silence.
7 I'm not trying to use the silence at all.
8 What did he -- he didn't stay silent.
9 What did he say? He said, "Sure. Can I
10 get dressed?"

11 Excuse me. And then during the
12 questioning Brennan says, "You know" -- and
13 I'm paraphrasing Brennan -- "You know,
14 Mr. Rivas, I'm a little confused." He
15 got the chance to ask the question. "I'm
16 a little confused. You leave a note every
17 day. You stop by every day. You're there
18 at 2, at 6. And you drive home from
19 Coleman's, you don't stop. You don't try
20 to get ahold of her Saturday. You don't
21 leave a note on Saturday. You don't call
22 her on Saturday. You don't try to see
23 her on Sunday. You don't call her on
24 Sunday. You don't leave a note on Sunday."

25 What do you think the defendant knows,

1109

1
2 that he had no way of knowing unless he
3 was there?

4 And then at 5:30, 5:30, hours before
5 anybody executed a search warrant in Cazenovia,
6 "Mr. Rivas, Valerie Hill is dead." Okay.
7 Maybe that was the reaction he had as he's
8 sitting there now. I don't know.

9 I suggest to you, ladies and gentlemen,
10 that he knew, he knew better than anyone,
11 he knew better than Dr. Mitchell did, that
12 Friday night he killed that woman.

13 Don't convict him for that alone,
14 though, because I want you to look at the
15 crime scene. What do I mean by that? Did
16 I put these pictures in to horrify you?
17 No. What do we know is missing from the
18 apartment? An airline ticket.

19 Mr. Calle suggests to you, with his
20 New York City experience, that this would
21 be an important thing for a burglar to steal,
22 an airline ticket. He may have forgotten
23 that I grew up in a place called Brooklyn,
24 New York. And in Brooklyn, New York we
25 don't steal airline tickets, because I don't

1110

1
2 think the burglar is going to show up at
3 American Airlines and say, "I'm Valerie Hill.
4 I'd like a window seat, please." He's not
5 going to leave the house Friday night with
6 a sweatshirt that says "I Killed Valerie Hill."

7 But think about it. Use your
8 intelligence. That's why I've asked you
9 to be here. What's important about the
10 airline ticket? "Val, don't ever go away.
11 Don't ever leave me, Val. Can't live without
12 you, Val." What do you think his reaction
13 was to her going, committing the horrible,
14 horrible sin of wanting to get away for
15 a couple of days by herself? What do you
16 think his reaction was?

17 And what else is missing? The
18 Stephen King book. And we know, and I've
19 already told you -- Mr. Calle never mentioned
20 it, and I don't even know if he heard during
21 the course of the trial -- we know that
22 she did not go to the Cazenovia Library
23 on Saturday, but somebody knew that book
24 was overdue. Perhaps when she got the call
25 on Tuesday, was so upset because she thought

1111

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2 it had to be returned, she might have mentioned
3 it to this defendant.

4 What else do we know about the, about
5 the nature of the crime scene? Did the
6 ticket get burnt up in the fireplace? I
7 don't know. I don't know. The killer can
8 answer that. I do not know.

9 Fingerprints. Fingerprints. Juries
10 love fingerprints. I can tell you this
11 from experience, that I've been in front
12 of a hundred or so and I know the jurors
13 love fingerprint evidence. And I prepared
14 in this case -- and I'm telling you folks,
15 I make a comfortable living with my, with
16 my wife, but I'm telling you I wish I had
17 a nickle for every time I walked into a
18 courtroom and heard a defense lawyer say
19 to a jury, "Where are the fingerprints?
20 My client's fingerprints aren't there."

21 And here am I, getting ready for this trial,
22 salivating. I've got my nice charts all set out,
23 got my fingerprints all ready for you. And what
24 does he do? He says, "Forget about the
25 fingerprints. They don't matter." No fair.

1112

1
2 There's only two, the entire
3 apartment, the entire apartment, there's
4 two fingerprints the police can't identify.
5 Where are they? On the phone. On the phone.
6 Inconceivable, along with a million other
7 things, that the unknown stalker, burglar,
8 Ciciarella, Barricella, whatever his name
9 was, went to make a phone call as well.

10 Remember, medical personnel, police
11 officers are there. Police officers sometimes
12 don't like to talk on the radio, no, because
13 the press sometimes have scanners. They
14 don't like to talk about it, attract a lot
15 of attention. Sometimes they're a little
16 careless and they use the phone.

17 What about the prints of the defendant?
18 There are his prints on the Blue Nun bottle.
19 And more importantly, there are seven of
20 them.

21 Give the defense his due. Prints
22 can last for years. They can last certainly
23 for times when the defendant may have been
24 an invitee into that apartment. But this
25 is a bottle of wine that has no other prints

1113

1
2 on it except those of, those of the defendant,
3 and not one or two, that have lasted through
4 repeated touching.

5 Remember how Officer Donohue told
6 us if we touch something, sometimes prints
7 overlap, they become useless. There are
8 seven identifiable prints of the defendant
9 on the bottle of Blue Nun wine.

10 Valerie's prints are on the drinking
11 glass found on the counter and the bottle
12 of Bacardi rum.

13 I do not know if the defendant was
14 wearing gloves that night. I do not know
15 if his prints on the Bacardi rum bottle
16 were smeared. I do not know if he put it
17 in a paper bag and handed it to Val, and
18 she took it out of the bag and poured him
19 a drink and put it in her cupboard. But
20 I know that at 9:40 that night Hector Rivas
21 bought a bottle of Bacardi rum from
22 Liquor Square, which is less than a half
23 a mile from the victim's house, and I know
24 that he failed to tell Officer Brennan about
25 that.

1114

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2 Five of the defendant's brand of
3 cigarettes are in the ashtray. I do not
4 smoke, but I watch TV -- well, they don't
5 have cigarette ads on TV, no, but I read
6 magazines and I drive around. And I have
7 never up until this trial heard of Barclay
8 cigarettes. And this defendant had 50 or
9 so crushed packs of Barclay cigarettes at
10 his house. And I know there are five Barclay
11 cigarettes in that ashtray. And I know
12 that's not something that should be dismissed,
13 because I'm suggesting to you he was
14 chain-smoking there that night. And I know
15 that he touched that ashtray. And I know
16 that Valerie Hill was neat. And I know
17 that by habit Valerie Hill would clean out
18 the ashtray, unless, of course, she was
19 lying dead in another part of the apartment.

20 And I know that three of the defendant's --
21 I won't call them love letters, I'll call
22 them obsession letters were sitting on that
23 kitchen table. And I know when -- and you
24 know that there was no forced entry. The
25 killer was let in, just like she let him in

1115

1
2 earlier in the week. Wasn't February 23rd
3 or 4th. It was March 23rd or 4th. Banging
4 on the door four or five minutes, "Please,
5 Val, let me in. Please, Val, let me in."
6 Finally she let's him in, which is probably
7 telling us as to why she let him in this
8 night.

9 This is not a reckless woman that
10 opens the door for Patsy Barricella.

11 "Who is it?

12 "It's me.

13 "Who's me?

14 "Patsy Barricella.

15 "What are you doing here?

16 "God told me to come here. I want
17 to steal your airline ticket.

18 "Oh, come on in. Come on in. Help
19 yourself."

20 Can't say what I was about to say.
21 Common sense? Absolutely nonsense.

22 Nature of the crime scene. Take a
23 look at pictures of the poor woman's body.
24 Not -- take a look at them. What kind of
25 rage has to be in a person to wrap that belt

1116

1
2 around her neck so tight that the only way
3 the medical examiner can get it off is by
4 cutting it off?

5 Is this what -- this is a burglar
6 that gets caught and says I'm going to stay
7 for three, four minutes -- and I apologize
8 to the Hill family, but this has got to
9 be said -- I'm going to stay here for four
10 minutes while I crush the life out of you?
11 And there's not going to be a struggle?

12 This woman was in good health. She
13 was in good shape. Most of -- if every one
14 of you women on this jury is in good physical
15 health, what would you do if you were confronted
16 with an intruder? What would you do? Would
17 your nails be intact? Would a lamp in your
18 house be knocked over? Would magazines
19 be strewn about, table knocked down, glass
20 broken?

21 Not a single defense wound on her
22 body. Why? Because she not only let the
23 killer in, she trusted him. And perhaps
24 most significantly when you look at that
25 body, the anal violation postmortem, does

1117

that make any sense at all?

Give the defense his due. This maniacal burglar strangles her. Now he says I'm going to send a message to this woman, this bitch. I'm going to do something to her. I'm going to leave my calling card here. What kind of disgusting rage has to be in a human being? How much time does it take to build up where he would do that to a dead woman?

I told you I would do two things. I would convince you beyond a reasonable doubt that this defendant did it, and I will convince you that no one else could have done it. And if you're not convinced by that crime scene that no one else could have done this, I don't know what else I could do.

The Judge is going to tell you that if the total evidence points to both innocence and guilt, then you must go with innocence. That's not a surprise to anybody. If there's a theory that fits innocence in this case, find the defendant not guilty. But it's a

1118

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2 theory that has to be based on evidence
3 or lack of evidence, not a guess. You are
4 not here to do Mr. Calle's job. He's done
5 it very well for this defendant. The defendant
6 picked him. He's done the best he could
7 with what he had to work with. His investigator
8 and he worked very hard on this case. But
9 let me just tell you that there is no room
10 for guessing and speculation and surmising.

11 The evidence supports one theory,
12 and one theory only, that this defendant
13 is guilty. If someone says in that jury
14 room, "Gee, there is no eyewitness. There
15 is no signed confession," number one, remind
16 them of the promise they made a week ago;
17 and, number two, look the person in the
18 eye and say, "You don't have to give me
19 a name, but give me a theory. Give me a
20 theory."

21 Was it a burglar? A burglar that
22 is let in, that steals an airline ticket
23 and a library book, and gets out -- commits
24 a horrible crime, with not a sign of a struggle,
25 leaves not a fingerprint, a hair, a fiber?

1119

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2 A boyfriend that no one knows about,
3 as Mr. Calle suggested on his opening statement,
4 a mystery boyfriend? Everybody, every friend,
5 every relative said she dated two men in
6 six years: Bob Lucas and Hector Rivas.

7 A random psycho killer that just
8 happened to pick her apartment? She doesn't
9 struggle with him? She let's him in? She
10 looks through her peephole and says come
11 on in? And he so hates this girl that he
12 does that to her?

13 But don't convict him because of his
14 obsession, the stalking, his false alibi,
15 his reaction to the police, his -- the nature
16 of the crime scene. Don't convict just
17 because of that. Take a look at his house.

18 We seem to have adopted the word "shrine"
19 for this thing in his house. Look at the
20 things in his house.

21 And I apologize. I've gone over my
22 intended time, but I'll be done in about
23 ten minutes. And I mean it.

24 Look at his house. He's smoking Barclay
25 cigarettes. The shrine, I already told you we

1120

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2 should have taken a picture of the shrine.
3 Okay. It is what it is. Well, what is
4 it? Well, it's got religious significance.
5 The Virgin Mary is there; candles; there
6 is a bowl of coins; there is a photo of
7 Valerie Hill.

8 Is there an innocent explanation for
9 this and a guilty explanation for this?
10 Well, I gave you the guilty explanation
11 for it. It is a memorial. It is what it
12 is. It is a memorial to Valerie Hill. She
13 is dead. I know she's dead and here is
14 a shrine in my closet.

15 What is the innocent explanation?
16 I don't know. My wife will tell you that,
17 you know, I -- when I was courting her,
18 I would do a lot of strange things to get
19 her to go out with me, but I never remember
20 putting a picture in the closet, lighting
21 some candles and making an offering to it.

22 His jacket is downstairs, laundered.
23 And there's a note in the trash. You get
24 a little sense of what Valerie Hill is like.
25 There is a note in the trash. And look at,

1121

1
2 look at the type of paper, which is Exhibit 30,
3 which is recovered from her house. You know,
4 because I'm thinking to myself, well, what if
5 Mr. Calle makes the argument, hey, she wrote
6 the note to Bob Lucas while she is at the
7 house and that's how it winds up out in
8 his trash. Kind of strange. Well, he didn't
9 even make that argument, and I hope I didn't
10 make it for him.

11 But here is -- compare this type of
12 paper, if you can put it together, and this
13 type of paper from her house. It's exactly
14 the same. You get fingerprint dust on it.
15 And these markings here, they attempted
16 to lift what was written there and they
17 couldn't do it. It's the exact same, exact
18 same kind of paper. It is from her apartment
19 and it is addressed to Bob, "Hi, Bob." And
20 it is exactly the same as the letter he
21 got sometime in late February.

22 Did she write them at the same time?
23 Probably. Did he take it from her house
24 Friday night? Absolutely not. He took
25 it sometime, I suggest, earlier in that week.

1122

1
2 And look at the rage. You know, we
3 talk about motive and means and opportunity.
4 The person that did this had to have a motive.
5 And his motive is she's going to the Bahamas;
6 she won't answer me; she's ignoring me.
7 This is, this is maniacal rage. And he
8 tears the letter up into 16 pieces and throws
9 it in his trash earlier in the week and
10 forgets about it. Puts it in a newspaper,
11 wraps it up, forgets about it. Never thinks
12 the cops are going to be there with a search
13 warrant, or he would have blown out the
14 candles.

15 But don't convict him on that alone.
16 And then the -- and I apologize because
17 she is here, but the -- she got a bad rating
18 from the defense, Liz Lewis. Why is Liz Lewis
19 important? Because she knows, Liz Lewis
20 knows better than anybody what's inside
21 Valerie Hill and what Valerie Hill and
22 Hector Rivas are all about. Look at what
23 she told us that we know. She knew she
24 kept the house neat, as did Peggy Burke.
25 She knew that Val and Hector were done, in

1123

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2 in Val's mind, by the end of January of '87.
3 She knew that Hector Rivas tortured -- no,
4 "tortured" is an overstatement -- harassed,
5 stalked this woman every day from the time
6 of their breakup until the time of her death.
7 She knew that on March 20th Hector was at
8 Val's house without Val's permission.

9 Remember the phone calls, Hector answers
10 the phone. Val shows up. Her reaction?
11 Anger.

12 She knew that she, Liz Lewis, wanted
13 Val to go to the police and to change her
14 locks. Knew that Hector called her, Liz Lewis,
15 drunk at 1:30 a.m. the day before he killed
16 Valerie, and that when Liz told Valerie,
17 Valerie was angry.

18 And remember what he says to Mr. Brennan
19 about their relationship on Thursday, the
20 day before the murder. "Oh, I stopped by,
21 spent a half hour with her. It was great."
22 Just, hey, we are just kind of two ships
23 passing in the night, having a great time
24 playing the game of life. What a bunch
25 of crap.

1124

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2 This woman is furious at this stalker
3 because he now is involving her best friend
4 at 1:30 in the morning, who's got kids.
5 Calls her up drunk, babbling, blatting
6 on the phone. You don't think she mentioned
7 that to him on Thursday?

8 Knew that Hector was unaware that
9 Valerie was visiting Laura Adams, and that's
10 confirmed by Laura Adams and Peggy Burke.

11 Knew that Hector was acting
12 inappropriately Saturday night. Gave a
13 totally false impression that he had
14 spoken to her that night; that she was home
15 sick.

16 Knew that Hector spoke of her in the
17 past tense Saturday night. "I loved her
18 so much. She meant so much to me." And
19 the defense tells you, well, he knew the
20 relationship was over. Yeah, finally, the
21 only way he would know the relationship
22 was over, he killed her.

23 But don't convict him because of that
24 alone. Convict him because he admitted it.
25 When all is said and done, he tells Joe Fields.

1125

Why don't you believe Joe Fields?
Go in the jury room, let somebody stick
up their hand and put their two cents in
and say, "I don't believe Joe Fields." Well,
somebody please look at that person and
say, "Why? He didn't think he did it."

He's there having a drink with the guy. He gives him a hug. He's slobbering in his beer. The guy is crying, blatting, talking about Valerie. Knows he had been picked up by the police. And right at the time that they're talking about Valerie and Joe gets up, and I would suggest to you Hector thinks he's not within earshot, "Val, Val, I didn't mean to do it."

Convict him because of all of those things. Not one, not two, but all of them, because within those eight things there are a couple dozen reasons why Hector Rivas is guilty.

It's the night of Friday, March 27th, 1987. Valerie Hill, with everything to look forward to, has just come home. She is going to get away for the weekend, get away

1126

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2 from the harassment, the flowers, the phone
3 calls and the notes, just for the weekend.
4 She's excited.

5 She goes through her brochures and
6 she's looking about the Bahamas. Boy, I'm
7 going to have fun. Maybe I'll meet somebody.

8 Straigtens up and, I suggest to you,
9 she gets ready for bed. She turns on the electric
10 blanket. She is in her bed clothing. She's
11 got a heating pad out. Perhaps, perhaps
12 because she's having discomfort from her
13 period. She is on the budget. She keeps
14 the heat down low. And that's why she has
15 that electric blanket. And she's preparing
16 or is actually in bed. And it's after 9:00
17 at night.

18 And the defendant, while she is doing
19 those things, has left Coleman's and is
20 now on his way, not to kill Valerie, but
21 to do what he has done, there's no mystery
22 about it, what he's done for the 60 days
23 before March 27th. And he's got to have
24 a bottle of booze to go with him. So he
25 buys a bottle of Bacardi and gets something

1127

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2 else.

3 And while Valerie is looking forward
4 to tomorrow, Hector is looking forward to
5 one more chance. And he knocks and he comes
6 in and they talk, perhaps at the kitchen
7 table. I suggest to you that Valerie pours --
8 or Hector pours a bottle of Blue Nun wine
9 for her, which is a bottle of some type
10 of alcohol, or there is a glass of some
11 type of alcoholic beverage still on the
12 kitchen counter. Hector has his usual.
13 Valerie pours. Her prints are on the bottle.

14 Does he notice the brochure on the
15 kitchen table? He's chain-smoking. Would
16 you expect the dialogue to be any different
17 than it had been for the previous two months?
18 "Val, Val, I can't live without you. Val,
19 don't ever leave me. Val, don't ever go
20 away. Life is sure nice with you in it."

21 But now, now she commits the horrible
22 crime. She stands firm. She stands firm.
23 It's over. Leave me alone. I mean
24 I'm going away without you. I'm going
25 to the Bahamas. And that sets off this jealous

1128

1
2 rage in this defendant.

3 There's a blow struck to her head.
4 Maybe she was knocked out. She's certainly
5 stunned by it. There's no struggle. She
6 never expected this.

7 She's now in the living room, or
8 she's dragged to the living room. There
9 is a phone book propped up under her pelvis
10 for leverage. He grabs the belt off
11 her robe and he ties it tight enough to
12 choke the life out of her. And we know
13 the rest.

14 But it isn't enough. No one leaves
15 Hector Rivas. He violates her, so that
16 forever more that will be the last image
17 of Valerie Hill.

18 And the rage subsides and he collects
19 himself. He hasn't been thinking right.
20 Now he's got to do a lot of things. He
21 needs to get his act together. Prints,
22 now there is no time to wipe them all away.
23 What did I touch; what didn't I touch. Wait
24 a minute. I have been here before. That's --
25 I'm not worried about prints.

1129

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2 The airline ticket, did he burn it
3 in the ashtray or in the fireplace because
4 it had -- ripped it up because it had his
5 prints, or did he throw it out the car window?
6 I don't know. But I've got to get rid
7 of that airline ticket.

8 The book, I'll take the book. These things
9 that will come in handy. Hector doesn't
10 know about Laura Adams. So I'll mention
11 Valerie being sick Saturday night, and the
12 book and the library. I'll be out. I'll
13 be seen by every human being in Cazenovia
14 Saturday night.

15 He was outside. The coast is clear.
16 No one sees him leave the house. Gets
17 in his car and begins to calm down. Has
18 a cigarette.

19 Something bad happens. Susan Stonecipher
20 and Jim Crimi come home. It's a little,
21 it's a little after 11. They see him.
22 Does he see them? I would imagine so. Do
23 they recognize -- does he know that he
24 was recognized? I don't know.

25 Now he's got a problem. Maybe they

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won't recognize me. Maybe a jury six years from now won't believe them. I've got to drive around. I have got to be seen. I'll go to Albert's. Good place to go. Saturday I will return the book, be all over the place Saturday night.

Sunday all is quiet. Not going to try to contact her. Wait, wait, waiting. When are they going to find the body? Can't go to work Monday. I know, I have got a sore throat. I can't take it anymore. I've got to call her. I'll ask for Peggy Burke.

"Is Peggy Burke there?"

"Yeah. Hold on."

Peggy Burke gets on the phone.

"Hi, Peg. Where's Val?"

"She's gone away for the weekend."

"Is she late? Everything okay?"

"Yeah, yeah, yeah. Yup."

"Well, I've got a sore throat. I've got to go."

And the cops come. And you know the rest.

Folks, six years is a long time. There's

1131

1 a lady up there holding a scale of justice.
2 Look real close at her. She doesn't have
3 a calendar on her. There ain't no time
4 of justice.
5

6 As you look at the last six years,
7 this defendant has done whatever he's done
8 in that six years. I've done a lot in that
9 six years. I had three children that I
10 didn't have six years ago. The Berlin Wall
11 has come down. Who would have believed
12 that six years ago? We have four million more
13 new Americans than we did six years ago.
14 New lives, new births, new immigrants.
15 People dreaming about this and that.

16 The man who said "Time heals all wounds"
17 never met Randy or Icie Hill, because it
18 doesn't.

19 The time -- this case is about time.
20 The time has come. This woman had rights.
21 No one is going to argue that. She had
22 the right to vote. She had the right to
23 remain silent if somebody wanted to question
24 her. And she had the right to be left alone,
25 be left alone. She had the right to be left

1132

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2 alone. She had the right to live.

3 And if he couldn't get it through
4 his head, after the times that she told
5 him, and the notes, and the calls, why?
6 He didn't have to do what he did that night.

7 Folks, I went to law school for three
8 years. And we had professors and teachers
9 and people that came and lectured to us.
10 And they tried to tell us about one thing,
11 something Mr. Calle doesn't think we have
12 in Onondaga County, and it's called justice.
13 It's called justice. You can define it
14 any way you want. I went through three
15 years of law school. I have heard 60 different
16 versions of it.

17 Today is justice. You are justice
18 in this case. Six years is over. The deceit
19 is done.

20 You are the killer and you're going
21 to pay for it.

22 THE COURT: Ladies and gentlemen,
23 we are going to break right now and I'm
24 going to give you about 40 minutes to eat
25 your lunch. It should be in the jury room.

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I ask you not to form any opinions
or to discuss the case. I'll bring you
back and give you the final charge at about
1:30.

You're excused.

(Whereupon, a luncheon recess was
then taken.)

* * *

(AFTERNOON SESSION - March 25, 1993)

MR. CALLE: Sorry I'm late, Judge.

THE COURT: That's okay.

Hi, fellas. Take your hats off. Okay.

Let's do it.

(Whereupon, the jurors then entered
the courtroom.)

THE COURT: Rich, can I see you a
minute.

(Whereupon, an off-the-record discussion
then ensued between the Court and counsel